

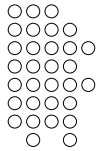
The Michigan Judicial Institute Presents:

Civil Infraction Procedures

A Training Seminar for District and Municipal
Court Support Personnel

Faculty:
Ms. Angelina Ballard, Magistrate and Criminal Clerk
65-B District Court, Gratiot County

Ms. Sandi Hartnell, District Court Analyst
Trial Court Services, SCAO



Workshop Objectives:

- Provide a brief history of civil infraction procedures.
- Describe the process of civil infractions through the court system from beginning to end.
- Explain the critical role court support employees play throughout the process.

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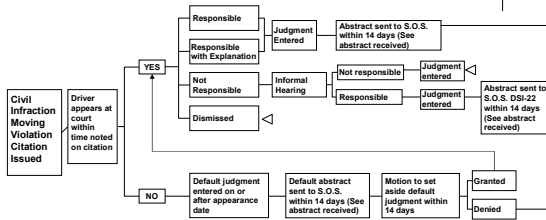
A Brief History of Civil Infractions

- 1979 Michigan Legislation
- Civil Infraction Categories (MCR 4.101)
 - Traffic
 - State
 - Municipal
- Jurisdiction

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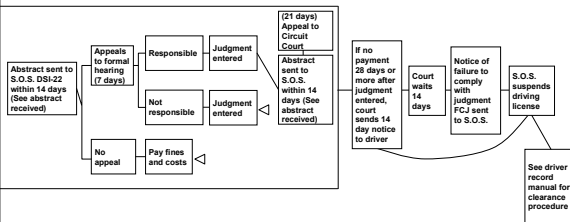


The Process of a Civil Infraction Through the Judicial System:



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The Process of a Civil Infraction Through the Judicial System:



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Issuance of Citation

- Violator Personally Served
 - Exceptions
- Distribution of Original Complaint & Copies
- Appearance Date
- Timely Deliverance of Citation to Court (MCL 257.728a)
- Electronic Filing (MCR 4.101(A))

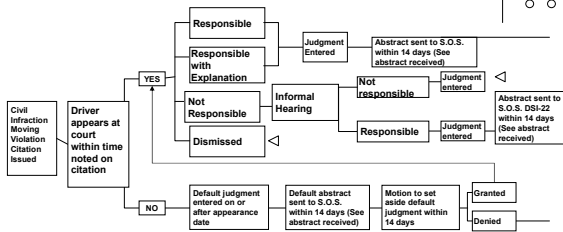
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Clerks Review the File and Citation

- Correct Jurisdiction
- Date of Issuance
- Violation Description/Section of Law – match
- Officer Signature
- Appearance Date
- File Date (MCR 8.119c)
- Non-Resident/Bond
 - License
 - Cash/Appearance Certificate

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Responses to Citation

- Clerks Are Not Allowed to Give Legal Advice

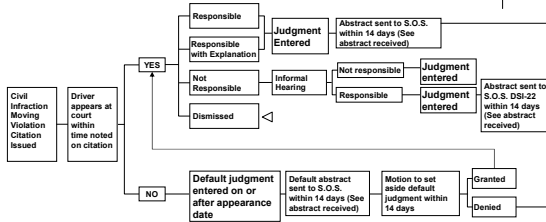
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Responses to Citation

- Admit Responsibility
 - By mail
 - In person
 - By representation
- Admit Responsibility with Explanation
(Only sanctions may be reduced.)
 - By mail
 - In person
- Deny Responsibility
 - Violator must contact court (MCR 4.101D(3))
 - Informal hearing – no attorneys involved
 - Formal hearing

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Civil Infraction Judgment

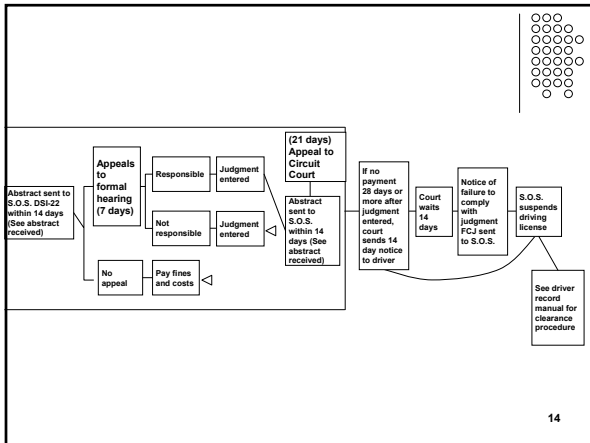
- Clerk May Enter Judgment After:
 - Admission
 - Hearing Held – Formal vs. Informal
 - Found responsible
 - Found not responsible
 - Dismissal – officer fail to appear
 - Default
(MCR 4.101(B)(3), MCL 257.748 & MCL 257.749(6))

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Civil Infraction Judgment

- Fines and Costs / Assessment Fees
 - Minimum and maximum fines:
 - Limited access (MCL 257.629c)
 - Traffic civil infraction (MCL 257.907)
 - Work/emergency/school zone (MCL 257.601b)
 - Judicial assessment fee
 - Cost to compel appearance (MCL 257.729)
 - When fines and costs can be waived

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Appeals

- Informal Hearing to Formal (MCR 4.101(G)(2))
 - File appeal within 7 days
 - Appeal bond
 - Abstract of conviction
- Formal Hearing to Circuit (MCR 4.101(G)(1))
 - File appeal within 21 days
 - Payment of fines and costs/appeal bond
 - Abstract of conviction

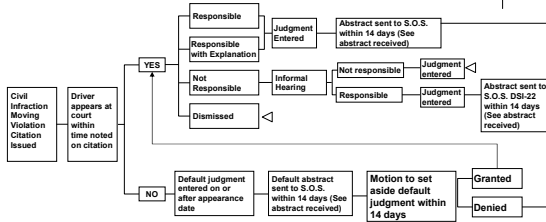
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Appeals

- Admission of Responsibility (MCR 4.101(G)(3))
 - No appeal / withdraw admission
 - Request within 14 days
 - Bond (MCR 4.101(G)(1)(a))
- Plaintiff Appeal
 - No bond required

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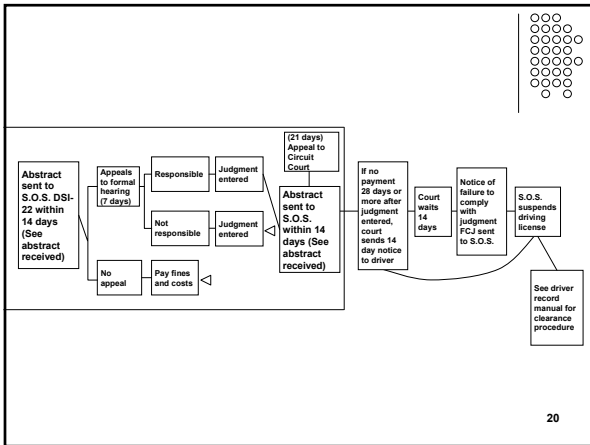
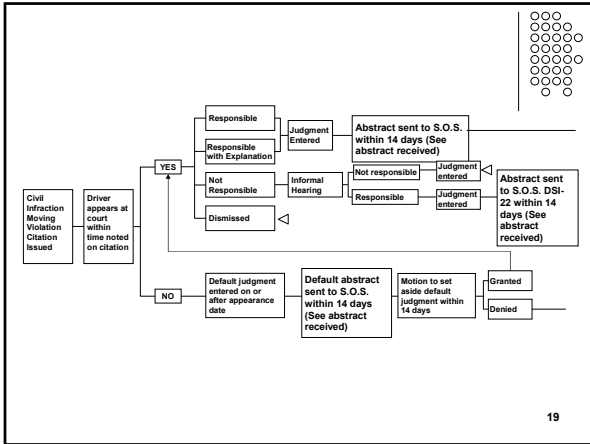


Motion to Set Aside Default

- 14 Days (MCR 4.101(C)(1))
- Bond Equal to Fines and Costs (MCR 4.101(c)(1)(e))

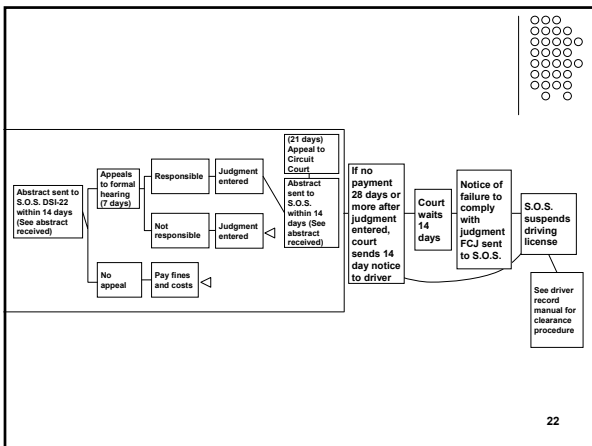
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Abstracts

- Upon entry of a civil infraction determination or default judgment court must inform Secretary of State's office, as required by MCL 257.732, MCR 4.101(F)(2)(a).



Failure to Comply with Judgment (MCL 257.321a(2))

- 14 Day Notice
- License Reinstatement Fee (MCL 257.321a(5))

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Civil Contempt

- Show Cause or Bench Warrant Issued (MCL 257.908)

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Miscellaneous Sections of Interest



- Point Formula (MCL 257.320a)
- Hold on License – State Civil Infractions (MCL 257.321a(9))
- Parking Violations – 6 or more

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Resources



- Michigan Court Rules
- Secretary of State Manual
 - How to read a driving record
- Michigan Vehicle Code
- Comparison Chart of Traffic/State/Municipal Civil Infractions
- Traffic Benchbook

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Question and Answer



- Ms. Sandi Hartnell and Ms. Angelina Ballard will answer questions from onsite and webcast audience.

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